

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

ROBIN K VSETECKA
Claimant

APPEAL NO. 10A-UI-13839-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 09/12/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 1, 2010 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Tim Speir represented the employer. Mike Haas, the human resource manager, testified on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment without good cause or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in June 2009. He worked part-time as a night stocker. Prior to early November 2009, the claimant's job was not in jeopardy and he did not have an attendance problem.

The last day the claimant worked for the employer was October 29, 2009. He was scheduled to work October 31, and November 2, 3, and 5. On October 31, the claimant called the employer to report he was ill and unable to work. The claimant understood that the person he talked to told him that it did not look like night shift was working out for him and he may want to look for another job. The claimant does not know who he talked to. From this comment, the claimant assumed he had been discharged.

Based on his assumption that he had been discharged, the claimant did not call or report to work as scheduled on November 2, 3, or 5. One of these days, Haas called the claimant. The person who answered the phone told Haas the claimant was not or could not come out of his room. Haas did not talk to the claimant. The claimant lived with two other people. The claimant was not told that Haas called for him.

When the claimant did not call or report to work after October 31, the employer considered him to have abandoned his employment or voluntarily quit his employment.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him claimant for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The claimant's conclusion that he had been discharged on October 31 is not reasonable. Since the claimant did not know who he was talking to and his job was not in jeopardy prior to this day, the claimant's failure to contact his supervisor or Haas to verify he had been discharged and why was not reasonable. Even if an employee made the comment the claimant testified about, the employer did not inform the claimant he was discharged.

The claimant's failure to take reasonable steps to verify his employment status and his failure to call or report to work after October 31 establish that he voluntarily quit his employment by abandoning his employment. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2.

The claimant established personal reasons for quitting, but he did not establish that he quit for reasons that qualify him to receive benefits. As of September 12, 2010, the claimant is not qualified to receive benefits.

DECISION:

The representative's October 1, 2010 decision (reference 01) is affirmed. The employer did not discharge the claimant. Instead, the claimant voluntarily quit his employment when he incorrectly assumed he had been discharged for unknown reasons by an employee who made the comment that the claimant may want to look for another job. The claimant is disqualified from receiving unemployment insurance benefits as of September 12, 2010. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw